

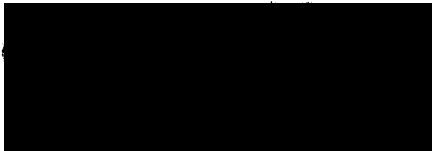
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U.S. Department of Homeland Security
20 Mass Ave., N.W., Rm. A3042
Washington, DC 20529



U.S. Citizenship
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Services

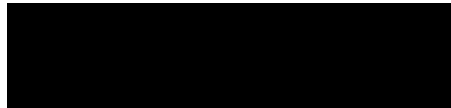
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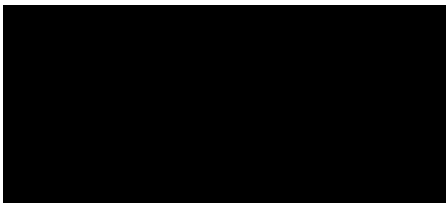
FILE: EAC 01 103 50311 Office: VERMONT SERVICE CENTER Date: APR 04 2011

IN RE: Petitioner:
Beneficiary:



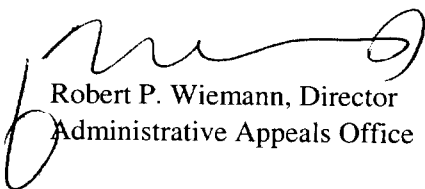
PETITION: Petition for a Nonimmigrant Worker Pursuant to Section 101(a)(15)(L) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(L)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.


Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Vermont Service Center. The Administrative Appeals Office dismissed the subsequent appeal. The matter is now before the Administrative Appeals Office on motion to reconsider. The motion will be dismissed.

The petitioner is a company incorporated in 1998 and claims that it is a subsidiary of the overseas company, Shin Osaka Chemical Company, located in Karachi, Pakistan. It seeks authorization to extend its employment of the beneficiary temporarily in the United States as its president. On June 6, 2001, in his decision, the director determined that the record did not establish that the beneficiary has been and will be employed in a primarily managerial or executive capacity. On June 22, 2001, the petitioner filed an appeal with the AAO. On October 02, 2002, the AAO dismissed the appeal.

On November 1, 2002, the petitioner filed a motion to reconsider with the AAO. Counsel for the petitioner asserts that the AAO failed to take into consideration the primary duties and responsibilities of the beneficiary. Counsel states that the beneficiary's primary duties are:

1. Establish an inventory control program;
2. Develop regular base customers;
3. Develop marketing strategies;
4. In charge of On-going development of new products;
5. Develop organizational policies in area of general administration, hiring or workers, and company's finance and credit;
6. Supervise employees and temporary work crews;
7. Manage company's finances.

Counsel explains that "it is not unusual for a President in order to promote his/her company to do extra work, sometimes even unrelated to his appointment, but with the end that such extra work were all done to promote the business of the company." Counsel provides additional evidence of: 2001 federal tax return, recent bank statement, and shipping invoices. Counsel claims this evidence demonstrates that the petitioner has prospered under the beneficiary's tenure. Additionally counsel submits a letter from the petitioner's accountant that counsel claims demonstrates that the beneficiary is in charge of the overall management and financial matters of the company. However, as discussed in the previous decisions, the evidence does not demonstrate that the beneficiary's primary duties will be directing the management of the organization; instead, it appears that the majority of this time will be spent performing the petitioner's services in trading with its customers and suppliers.

The regulation at 8 C.F.R. § 103.5 (a)(3) states, in pertinent part:

A motion to reconsider must state the reasons for reconsideration and be supported by any pertinent precedent decisions to establish that the decision was based on an incorrect application of law or (CIS) policy. A motion to reconsider a decision on an application or petition must, when filed, also establish that the decision was incorrect based on the evidence of record at the time of the initial decision.

Inasmuch as counsel has failed to state the reasons for reconsideration and the motion is not supported by pertinent precedent decisions that identify specifically an erroneous conclusion of law or a statement of fact in this proceeding, the motion is dismissed.

ORDER: The motion to reconsider is dismissed.